HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7989 of 2007

Dated:19.04.2007

Between:

Kolla Subba Rao.

…Petitioner

and

The District Collector, and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7989 of 2007

ORDER:

The petitioner is a resident of Nagulapalem Village, Parchuru Mandal, Prakasam District. He gave a complaint to the first respondent alleging that the fourth respondent is keeping cattle in the residence and causing nuisance resulting in ill-health and uneasiness. The third respondent and the Additional Revenue Inspector, Parchuru, inspected the premises of the sixth respondent and found that he was keeping the cattle in his residential house and was storing cattle dung resulting in unhygienic conditions in the area. Therefore, the third respondent issued proceedings, bearing L.D.S.No.37 of 2005, dated 14.02.2005, directing the sixth respondent to remove the dump of cattle dung and make it clean and also construct a wall. Alleging that the same has not been implemented, the present Writ Petition is filed.

After hearing the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General-A), this Court is convinced that the Writ Petition is misconceived. When the order was passed by the third respondent almost two years ago, the petitioner has chosen to file the Writ Petition now without disclosing the subsequent events, if any. Secondly, the order is purportedly passed under Section 133 of the Code of Criminal Procedure, 1973 (Cr.P.C), to abate the nuisance caused by the sixth respondent. In that event, it is always open to the petitioner to move the third respondent for enforcing the order under the provisions of Section 133 of the Cr.P.C.

The Writ Petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

19.04.2007
GJ